

BOARD NEWS



CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS

MARCH 2000

Inspection Reports? What Inspection Reports?

by Dennis D. Patzer

Senate Bill No. 1307 (Chapter 983) was approved by the Governor and became effective January 1, 2000. This bill changes the Board's report filing requirements. Branch 3 companies will no longer be required to file with the Board actual Wood Destroying Pest and Organism Inspection Reports or Notices of Work Completed and Not Completed. The new law requires that registered companies file with the Board an activity report listing all addresses in which an inspection or completion activity occurred. A filing fee (currently the same as stamp fees) is required for each address. This requirement may be accomplished in two ways:

- 1) By preparing and filing with the Board, no later than ten business days after an inspection or completion activity, a "Wood Destroying Pests and Organisms Activity Report." Upon request, the Board will provide the Wood Destroying Pests and Organisms Activity reporting forms at no charge. Only the Board-issued activity reporting form will be accepted for processing. A fee of \$1.75 per address listed on the form(s) shall be submitted to the Board.

- 2) By preparing and filing with the Board, no later than ten business days after an inspection or completion activity, a 3.5-inch computer diskette. The Board will provide the start-up program to all registered Branch 3 companies. No other computer format or program shall be used other than that provided or authorized by the Board. The program will generate an activity address invoice which shall accompany each computer diskette. A fee of \$1.75 per address shall be submitted to the Board along with the invoice and diskette.

The following information is required on the "Wood Destroying Pests and Organisms Activity Report":

- Name of the Registered Company.
- Principal Office Registration Number.
- Branch Office Registration Number if applicable.
- Date of Activity (Inspection or Completion).
- Street Number, Street Name, City, and Zip Code.

Reports continued on page 4

In this issue . . .

Inspection Reports? What Inspection Reports.....	1
No Continuing Education Credit . . . No License	1
False Advertising	2
Interview With the Board's New President	3
California Counts Census 2000	4
The SPCB, DPR, and the CAC . . . Working Partners	5
Board Amends Regulation Section 1997	5
ASK THE QUESTION:	
No Harm-No Foul Is Not a Get-Out-of-Jail-Free Card	6
Board Disciplinary Actions	7
2000 Examination Calendar	11
Is the Individual You Hire Properly Licensed?	11
Are You a Pest Control Expert? WE NEED YOU!	11
License Requirements for Branch 1 Field Representative ...	12

No Continuing Education Credit . . . No License

by Donna J. Kingwell, Executive Officer

Under the law, licensees must renew their licenses every three years. If not renewed, licenses expire at midnight on June 30. Every May, the Board sends renewal applications to the addresses of record of individuals whose licenses expire that year. The renewal application must be returned with the appropriate renewal fees and with proof of completion of the hours of continuing education (CE) required for each branch listed on the license. It is important to understand this, because if your license lists more than one branch and you do not fulfill your CE requirements for each branch, your license will not be renewed. If you wish to change the number of branches listed on your license, you must notify

the Board in writing before the June 30 expiration date.

Business and Professions Code Sections 8590, 8590.1, 8591, 8592, and 8593 provide the rules for license renewal. Sections 1950 and 1950.5 of the California Code of Regulations list the number of hours and the subject matter of CE for each branch renewal. These laws and rules are printed in the Structural Pest Control Act.

Why is meeting your CE requirement so important? Because if you don't, your license will be CANCELED, and the only way to become licensed again will be to resubmit your application for an examination, pass the exam, and apply for a new license.

No Credit continued on page 6

STRUCTURAL PEST CONTROL BOARD NEWS

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Inspection Report

Termite Bait Station

(If you are interested in serving on one of these committees, please submit a request in writing to the President in care of the Board.)

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FALSE ADVERTISING

With the advent of new pest control technologies, products, and services, California consumers are offered many choices not available a few years ago. Consumers should make informed choices after considering the straightforward and accurate information that pest control companies can provide.

The Board has taken disciplinary action against false and misleading advertising by licensees. The California Attorney General, on behalf of the Board, has recently won judgments after charging pest control operators with false advertising and unfair competition.

In September 1999, Donna J. Kingwell, Board Executive Officer, sent a letter to all licensees notifying them that the Board was in the process of adopting Section 1999.5 of the California Code of Regulations, which addresses the advertising practices of Board licensees.

The purpose of this regulation is to ensure that California consumers receive accurate information from structural pest control company advertising. Structural pest control companies are responsible for presenting their technologies, products, and services to consumers in a fair and honest manner.

Upon approval of the regulation, the Board's Enforcement Unit will increase its review of consumer advertising for false and misleading statements.

Statements made in advertising regarding pesticide treatment must be in compliance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). No pest control services shall be advertised as safe or safer when a pesticide (registered or unregistered by the Environmental Protection Agency) will be used. Although a pesticide may be less toxic than other pesticides, its designed function is to kill; therefore, it may pose a risk, however minimal, to someone exposed to it.

Technologies or pesticides cannot be advertised as an alternative to "whole house treatment or full treatment" unless the whole house or structure is treated. For the purposes of this regulation, "whole house or full treatment" shall be defined as a treatment of 100% of the structure, including inaccessible areas. Anything less than this standard is considered "localized or spot" treatment.

Nothing in the proposed regulation restricts a company from describing the types and methods of service it provides. Advertising is a forum that allows a company to promote its methods and types of service in a positive way, while being ethical in its presentation to potential customers. All advertising claims, representations, and statements must be entirely truthful and not have the capacity to deceive consumers.

The proposed regulation is expected to become effective sometime in February or March 2000. 

Correction Notice

The May 1999 BOARD NEWS contained an article indicating that, in a default decision, the registration and license issued to General Pest Service Company Inc. (PR1094, Branch 3) and Romy Arthur Bergamini (OPR8036, Branch 3), both of Venice, were revoked. This article was printed in error. Respondents did, in fact, request and were granted a reconsideration hearing. The Board apologizes for this oversight.

Interview With the Board's New President

Ken Moore was elected President of the Structural Pest Control Board in October 1999.

Mr. Moore brings to the Board more than 30 years of experience in the pest control industry. Prior to being appointed to the Board by Governor Wilson, Mr. Moore served on a number of Pest Control Operators of California committees before eventually being elected as the industry association president. Mr. Moore owns and operates Ken Moore Termite Control in the San Francisco Bay Area. He spends his free time with his family, especially his wife Pat. He also enjoys fooling around with old cars, hunting and fishing, and playing golf. The following is an interview with Mr. Moore conducted at the Board office in Sacramento.

1. What special qualifications do you believe you bring to the presidency of the SPCB?

I don't know how special my qualifications are; however, with more than 35 years of experience in the pest control industry, I like to think that I bring both historical and institutional knowledge to the position. What I have noticed is that oftentimes there might be a desire to reinvent the wheel. Sometimes there is a good reason to bring about change, but sometimes because of a lack of historical perspective the Board may tend to address issues that have already been addressed years before. In a nutshell, I think perspective is my greatest asset.

2. What do you hope to accomplish as the Board president?

I think one of the most difficult things that industry Board members must deal with is to recognize that—when that gavel comes down calling the Board meeting to order—they are not representing their industry but rather the millions of consumers who call upon that industry. I have to believe that public members appointed to the Board don't find that distinction as difficult.

I think it is incumbent on a president, especially an industry member, to work diligently with industry to explain the role of the regulatory Board. In short, good communication is essential. At

the same time, I also believe that it is very important for the consumer to understand the nature of the industry

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and what is required of a licensee—and to take the time to read and become knowledgeable about the decisions that will ultimately affect them.

I see the advent of the Board's website as a fine place to start. I would like to see more articles posted on the website that inform consumers about the industry and explain what they should expect and what they should be concerned about when thinking about securing pest control services.

3. How effective is the Structural Pest Control Board?

Like my business and my golf game, I like to believe that there is always room for improvement. However, having said that, I also believe that the Board is very effective.

Having just gone through the Sunset Review process, I think I have a better understanding and appreciation for what the Board accomplishes. For example, the Board responds to over 19,000 inquiries a year from consumers. Over 1,200 complaints per year are processed. The savings to consumers this past year in delivery restitution (money saved by the consumer when a company must bring a property into compliance) was about \$700,000. Restitution ordered by the court through the administrative hearing process was in excess of \$72,000.

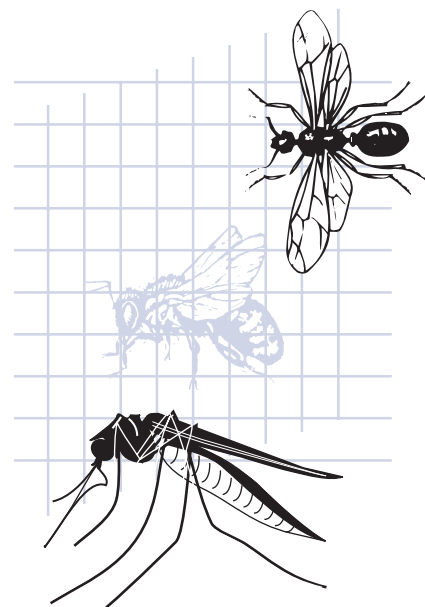
Since being appointed, I have seen many very positive changes. Over the past two years, the Board has undertaken revising and validating the exam process. A website has been created that

provides current information and forms that a licensee or consumer might need. Strategic Planning has been instituted that allows the Board to prepare and deal with challenges on a long-term basis. And perhaps most important, the biggest change—not only for the Board, but also for industry—is the different way in which industry must now file inspection reports with the Board.

4. What do you believe is the Board's most effective enforcement tool?

I believe the most effective tool has been the Board's fairly new cite and fine program. Prior to cite and fine there were many violations of the Pest Control Act that did not necessarily warrant going through the hearing process. Yet there was no way to sanction a licensee other than the hearing process. Now, even with paper violations, a licensee/company can be cited and fined. Experience tells me that once you have your "hand slapped" two or three times, you finally learn not to commit the same violation again. There is a world of difference between a specialist saying, "just don't do it" and the specialist handing you a citation that may cost you \$50, \$100, or more.

Interview continued on page 5



Reports *(continued from page 1)*

- Type of Activity:
 - 1) Original Inspection.
 - 2) Supplemental Inspection.
 - 3) Limited Inspection.
 - 4) Re-Inspection.
 - 5) Notice of Work Completed and Not Completed.
 - 6) Original Report/Separated.
 - 7) Original Report/Corrected).
- License Number of Inspector.

Currently, the cost of sending inspection reports to the Board is approximately \$4.00 per mailing. The computer diskette filing procedure will reduce the cost to under \$1.50 per mailing. The "Wood Destroying Pests and Organisms Activity Report" disk should be mailed to the board in an antistatic/diskette mailer. All 3.5" diskettes will require a label with the registered company's name and address.


All diskettes must be accompanied by the program-generated invoice, along with the fees required for processing.

A citation will be given and a fine assessed for all late activities. At present, the fine for late reports ranges from \$5 to \$2,500. The more serious offenders could face license discipline. In addition, the Board has authorized a fine of \$2,500 for failure to file a report.

After January 1, 2000, if your company has inspected a property involved in a consumer complaint, you will be requested by the Board to provide a true, legible copy of your inspection report(s) or completion report(s) for the property within two business days by facsimile or overnight mail. Failure to provide a report requested by the Board will result in a fine of \$2,500 and/or license discipline.

This new legislation requires companies to retain all original inspection reports, notices of work completed and not completed, and activity forms for three years. The Board will no longer maintain inspection or completion reports. The Board's Specialists will intensify their office record inspections to assure compliance with the new law.

Companies wishing to pay address activity fees with inspection and completion stamps currently in their possession may do so on a dollar-for-dollar basis.

Questions regarding the Wood Destroying Pests and Organisms Activity Report Program should be directed to Dennis Patzer, the Board's Director of Compliance Services, at (916) 263-2540. 

California Counts Census 2000

Every 10 years the Census Bureau is required by the U.S. Constitution to count every person in the United States. In mid-March, you will be mailed the official census questionnaire, and April 1, 2000, is Census Day. The census is one of America's most significant historical events. Thomas Jefferson was responsible for the first census conducted in 1790, so this coming March and April you will be participating in the 22nd census of the United States.


The census is important. Census information about the population of your community and the state of California is used to make major decisions, including expenditures and services for businesses, shopping centers, roads, and schools. In the previous census in 1990, California had the largest "undercount" (people missed by the census) compared to all other states in the nation. As a result, we lost an estimated \$2.2 billion in federal funds that rightfully should

have been spent in California, primarily on health care for the elderly.

If Californians do not fully participate in the 2000 census, we could lose over \$3 billion in federal funds during the next decade. Because of the seriousness of the problem, Governor Davis signed legislation to promote the census throughout California. In addition, Governor Davis appointed a task force, the California Complete Count Committee, to help maximize the number of Californians counted in the 2000 census.

The census is safe. Your census information is absolutely 100% confidential. The U.S. Census Bureau is strictly prohibited from sharing personal census information with any other individuals or organizations, public or private. By law, your answers on the census questionnaire cannot be given to anyone, including the Internal Revenue Service, courts, police, welfare agencies, or the Immigration and Naturalization Service. Confidentiality is guaranteed.

It's your future. Don't leave it blank. The 2000 census will involve the government's largest peacetime commitment of human resources in the history of America. California and the U.S. Census Bureau are making unprecedented efforts to encourage everyone to participate in the census. But these efforts will make a difference only if we respond. So, please, when you receive your official census questionnaire in March, take a few minutes to complete the form, and then mail it back promptly. (Make sure to mail your questionnaire back to the U.S. Census Bureau so census takers won't need to come to your door.)

For additional information, call the California Complete Count Campaign in Los Angeles at (323) 965-2943 or Sacramento at (916) 323-3301, or you can visit California's website at www.census.ca.gov. And for more information, visit the U.S. Census Bureau's website at www.census.gov. 

Interview *continued from page 3*

5. Do you believe the structural pest control industry tends to over regulate itself?

This answer will be very short. The answer is "yes"—mainly because there are some members of the industry that want their every move covered by a regulation.

6. Has there ever been a regulation that the Board adopted that you disagreed with?

Yes, and that was the advent of the separated report or Section I and Section II. Nearly every Section II item will someday be a Section I item, and generally it is the buying consumer who ends up on the short end of the transaction.

7. Do you think the Structural Pest Control Board and pest control industry work well together?

From my perspective, I think they work well together. One reason is the line of communication. The industry takes a very active role in the activities of the Board. And the Board takes an active role in trying to understand the industry. Consequently, even when there is disagreement, the differences are laid out and talked through. Sometimes both have to settle for the middle ground. But then, that is much better than remaining at polar opposites with nothing resolved or accomplished. 🐜

BOARD AMENDS REGULATION SECTION 1997

The Structural Pest Control Board recently amended the California Code of Regulations Section 1997. The regulation will change the Inspection Report filing stamp fee and the Completion Notice filing stamp fee to a Wood Destroying Organism filing fee. The filing fee remains at \$1.75.

To obtain a copy of the current 1997 Regulation Contract, contact Delores Coleman at (916) 263-2540 or write the Board at 1418 Howe Avenue, Suite 18, Sacramento, CA 95825. 🐜

THE SPCB, DPR, AND THE COUNTY AGRICULTURAL COMMISSIONERS . . . WORKING PARTNERS

In 1984, legislation was created that provided for a working relationship between the Structural Pest Control Board (Board), the Department of Pesticide Regulation (DPR), and the County Agricultural Commissioner's (CAC) Office. Through an interagency agreement, these three entities are to jointly provide regular training for enforcement personnel and reimbursement through DPR for specific investigations conducted by CAC inspectors related to structural pest control pesticide misuse.

Over the years this joint relationship has worked well and, because of the fine work done by the CAC inspectors, has benefited the Board greatly. Currently, the Board has eight investigators tasked with monitoring and regulating the licensee population (nearly 23,000) as well as dealing with consumer complaints that cannot be mediated and must be referred for investigation.

Working through the DPR, the CAC inspectors become an additional enforcement tool for the Board. Every county in the state has at least one inspector, and many of the larger counties have as many as twenty. Inspectors enforce the Structural Pest Control Act through civil penalty action against licensees. CAC inspectors are also an important element in the monitoring of structural fumigations, which are performed daily in California. In short, in addition to the eight Board investigators, there are more than fifty CAC inspectors enforcing the pesticide use laws and regulations. California consumers are certainly benefiting from these additional inspectors. This past year the CAC inspectors issued nearly 300 citations for pesticide violations. These actions represented more than \$60,000 in fines.

Over the past several years, the relationship between all three entities has been enhanced and strengthened. Several years ago a working group was formed which includes two CAC

representatives, Frank Carl from the north and Cato Fiksdal from the south; the Executive Officer of the Board; one Board member, Carl Doucette; and one member from the pest control industry. Paul Gosselin, DPR Assistant Director, was asked to chair the working group. Out of nearly six months of meetings came a better understanding and clearly better communication among all the entities involved.

Over the last two years, the training programs conducted up and down the state have been informative and beneficial. Common problems related to enforcement have been addressed and new legislation and regulations discussed. Practical applications of pesticide regulations have generally been a highlight of the training.

Most recently, a committee under the direction of Kathleen Thuner, Agricultural Commissioner for San Diego County, was formed to assess the viability and development of cite and fine guidelines when a Field Representative violates pesticide-use laws and regulations.

The partnership between the Department of Pesticide Regulation, the County Agricultural Commissioners, and the Board has grown and matured over the past sixteen years. These last two and one-half years have been especially productive. As we stand at the edge of a new century, it is with hope and optimism that the working partnership will become even more viable and productive, benefiting the health and well-being of the consumers of the state of California. 🐜



No Credit *continued from page 1*

Each renewal period, the Board renews over 3000 licenses. There are about 30 to 40 individuals who fall into the above-mentioned category. This year, I personally dealt with the majority of those who were canceled for one reason or another. I must say . . . I now understand why the staff, and Karen Sanders in particular, dreads the end of the renewal period. Over a three-day period, I heard every excuse one could possibly dream up as to why a license should not be canceled. The Board was threatened with lawsuits, the post office was maligned, and the staff was reduced to incompetent morons and then upgraded to "stupid." Through each of these tirades, I tried to reason with the licensee (generally to no avail). The only thing I could offer was immediate scheduling for the next testing period.

Know your license renewal requirements!

The simple fact is that anyone who holds a license to practice a profession has a responsibility to know, to understand, and to complete the requirements that it takes to maintain that license. To the 2,960 or so licensees who managed to know their responsibilities . . . my sincere thanks for making the renewal period just a normal exercise. To those who had problems but were calm and reasonable and took the consequences with grace . . . thank you. And to those of you who had problems and blamed everyone but yourselves, I sincerely hope it was a learning experience.

To any licensee, I would say review the above-mentioned sections of the Act. If you are unclear or unsure about just what you need, call our licensing unit. They stand ready to help in any way they can. And most important, as a licensee, you have three long years to complete the very short requirements for renewal. Don't wait for that renewal application to try to figure out just what you need.

I am an eternal optimist, and I look forward to the next renewal period when not one licensee has a problem keeping his or her license in order to make a living. At the very least, I hope for conversations that are "kinder and gentler." 🐼

ASK THE QUESTION . . .

No Harm-No Foul Is Not a Get-Out-of-Jail-Free Card

The Structural Pest Control Board is actively investigating cases involving instances of non-compliance even when the buyer of a structure has knowledge of infestations or infections prior to the close of escrow on a listed property (**No Harm-No Foul**). This Board policy has prompted licensees to ask the following questions:

Q When a homebuyer has knowledge prior to the close of escrow about infestation, infection, damage, or conducive conditions and still allows the escrow to close without resolving the issue first, will the Board compel the licensee missing the above-referenced conditions to bring the property into compliance upon investigation of a consumer complaint by the buyer?

A In a case such as this, the Board would not compel the licensee to bring the property into compliance through treatment or structural repairs. The licensee would, however, be expected to write a corrected report on the property and disclose those conditions he/she failed to report. The licensee and/or company would then be subject to disciplinary action by the Board.

Q What type of disciplinary action would be taken against a licensee in a No Harm-No Foul case?

A At a minimum, a licensee or company involved in a case such as this would be subject to a citation and a fine by the Board. If the Board deemed the case to be of a serious nature, then the license and the company registration could be subject to suspension or revocation.

Q What is the Board's position regarding No Harm-No Foul cases?

A The Board's position regarding noncompliance of a Wood Destroying Pests and Organisms Inspection is to take disciplinary action.

Q Is only the termite inspector subject to disciplinary action in a No Harm-No Foul case?

A Certainly not. Both the inspector and the registered company are subject to disciplinary action.

Q If more than one company failed to report an infestation or infection in a case involving prior knowledge by the buyer of the property, who is responsible?

A Any licensee that fails to report infestation, infections, or conducive conditions is subject to disciplinary action by the Board, no matter how many complaints about the same property have been received against other companies.

Remember, there is no such thing as a get-out-of-jail-free card. If you make an improper inspection, regardless of the circumstances, you should expect to be made accountable for that inspection.

by Dennis D. Patzer

The company registration held by **Evans Exterminating Company** (PR546, Branches 2 & 3) and the license of **Robert Gary Evans** (OPR4083, Branches 2 & 3) both of Burbank were placed on probation for three years. The Branch 1 company registration and Branch 1 operator's license was revoked. The stipulated settlement also required respondents to reimburse the Board \$9,000 for investigative costs. It was stipulated that the Board had sufficient evidence that respondents failed to adequately prepare and carry out the fumigation by failing to barricade an adjoining garage, post warning signs at the exterior of the guest house, and seal electrical conduits to prevent Methyl Bromide from passing into the guest house, that such negligence proximately caused a death due to Methyl Bromide poisoning, and that multiple state laws and regulations were violated. The decision was effective January 22, 1999.

In the same matter, the license issued to **Jesus Santana** (FR25087, Branch 1) of Burbank was revoked. If respondent should apply for a Branch 2 or 3 field representative's license, said license would immediately be placed on three years' probation. The decision was effective January 22, 1999.

The operator's license held by **Gary Alan Meier** (OPR8033) of North Hollywood was suspended for five days and placed on three years' probation. However, Mr. Meier paid a \$1,000 civil penalty in lieu of the five days' suspension. A \$1,000 restoration bond was also required by the stipulated settlement. Respondent admits that as a qualifying manager, he issued a pest control bid and work authorization contract prior to performing an inspection of several units at a condominium complex. The decision was effective January 28, 1999.

The license held by **Juan Carlos Cardenas** (FR17610, Branch 3) of West Covina was revoked as a result of a default decision. Respondent failed to report decay fungi damage, active drywood termites, and subterranean termite damage. After making a reinspection on the property, respondent misrepresented the conditions found on the property and was negligent by stating the property was free of evidence of

BOARD ACTIONS

March 1, 1999, to November 28, 1999

active infestation or infection when, in fact, it was not. The effective date of the revocation was February 5, 1999.

The operator's license held by **Arthur B. Allen, Jr.** (OPR9144, Branch 2) of Modesto was revoked in a default decision. The decision reimposed the order of revocation because respondent failed to comply with terms and conditions of probation in a prior disciplinary matter. Respondent failed to complete the required correspondence course and failed to file quarterly reports with the Board during the period of probation. The revocation was effective March 6, 1999.

The field representative's license held by **Richard Patrick Lloyd** (FR25266, Branch 3) of Oroville was revoked in a default decision. Respondent failed to report inaccessible area, conditions conducive to decay fungi infection, earth-to-wood contacts, and faulty grade levels. Also, respondent misrepresented the condition of the property and issued an inspection report without having first performed a bona fide inspection. The default decision was effective April 2, 1999.

The registration held by **Stoneridge Termite Control** (PR2611, Branch 3) and the operator's license held by **Lee Timothy Harris, Jr.** (OPR9300, Branch 3) both of Riverside were revoked as a result of a default decision. It was determined that respondents failed to report excessive moisture condition, decay fungi damage, drywood termite damage, and the presence of cellulose debris. Respondent was guilty of gross negligence by failing to report evidence of drywood termites in several locations. Respondent also failed to complete repairs for the contract price. The revocations were effective April 11, 1999.

The field representative's license issued to **George Zepeda** (FR27054, Branch 2) of Escondido was revoked in a stipulated settlement. Acting outside the scope of his license, respondent contracted for pest control work on his own behalf, performed pest control work when he did not possess an operator's license, and represented that pest control work had been complete when, in fact, it was not. The decision was effective April 17, 1999.

The company registration held by **Diversified Exterminating Services, Inc.** (PR2004, Branch 1) of Anaheim was voluntarily surrendered to the Structural Pest Control Board and the accusation was dismissed with prejudice against **Donald Seaman** (OPR5133, Branches 1, 2 & 3) of Anaheim. It had been alleged that respondent had failed to perform pest control work in a careful and effective manner in that it failed to properly secure the tarp and did not exercise reasonable precautions to avoid contamination of the environment. It was also alleged that respondent had been negligent in the handling or use of Vikane by not following the label instruction for its use. The stipulation was effective April 17, 1999.

In the same matter, the license held by **Scott James Alderson** (FR13771, Branch 1) of Riverside was suspended for five days and placed on three years' probation. Respondent is also required to complete a Board-approved pest control course in Branch 1. Respondent admitted to not performing pest control work in a careful and effective manner and the negligent handling or use of Vikane by not following the label instructions. The suspension was effective April 17, 1999.

In the same matter, the license held by **James C. Rose** (FR22395, Branches 1 & 2) of Anaheim was suspended for one day and placed on one year's probation. Respondent is required to complete a Board-approved pest control course in Branch 1. Respondent admitted removing tarps from a site without having two effective masks readily available to the fumigation crew when they were preparing to release or remove a fumigant from the structure. The suspension was effective April 21, 1999.

(continued on next page)

Board Actions *continued from previous page)*



The company registration held by **Cedars Termite Control** (PR2455, Br.3) and the operator's license issued to **Ross Edwin Griffin** (OPR4076, Branch 3) both of Oroville were each suspended for 45 days and placed on five years' probation. Respondents were also required to reimburse the Board \$2,329 for investigative costs and make restitution to two consumers totaling \$7,437. In addition, respondent must complete a Branch 3 correspondence course within two years and must file an \$8,000 restoration bond to be maintained during the probation period. In a stipulation, respondent admitted that he had failed to perform a bona fide inspection for wood-destroying pests or organisms prior to providing a report of inspection; failed to file inspection reports with the Board; failed to retain field reports for three years; and failed to bring the property into compliance after receiving two notices from the Board to do so. Respondent also failed to perform in a good and workmanlike manner. Respondent misrepresented the state of the property by certifying it to be free from evidence of active infestation and infection when, in fact, evidence of decay fungi damage was present. On several other properties, respondent failed to report earth-to-wood contacts, evidence of decay fungi damage, cellulose debris, and subterranean termite damage and failed to complete the repair work for the contract price. The suspensions were effective April 18, 1999.



The company registration held by **Creative Environmental** (PR2930, Branches 2 & 3) and the operator's license held by **Thomas Sorenson** (OPR9542, Branches 2 & 3) both of Oakview were each suspended for 15 days and were placed on probation for three years. Respondents were required to reimburse the Board for investigative costs in the amount of \$3,155.94, complete a Branch 3 correspondence course within 18 months, and file a \$3,000 restoration bond with the Board. Respondents agreed to the imposition of penalty for failing to report several conditions such as cellulose debris, subterranean termite infestation, drywood termite infestation, decay fungi damage, and earth-to-wood contact condition. In addition, respondents did not obtain required building permits and did not perform corrective work as specified in the contract or within the contract price. The suspensions were effective April 18, 1999.



The field representative's license held by **Robin Cobb** (FR14920, Branch 3) of Miranda was revoked in a default decision. It was determined that respondent was grossly negligent by leaving the chemical Dursban TC, Jasco Termite-8 Wood Preservative Green, and a plastic sprayer with Boron, unattended and improperly stored. Respondent failed to report wood-destroying beetles, decay and subterranean termite damage, and cellulose debris. Respondent also failed to register with the Humboldt County Agricultural Commissioner's Office prior to performing pest control work and doing chemical treatments. The default decision was effective May 12, 1999.



The company registration certificate held by **The Termite Inspector, Inc.** (PR1599, Branch 3) of Valencia, was revoked in a default decision. It was determined that respondent fraudulently misrepresented that areas of drywood termite infestation would be treated with the microwave as required to eliminate the infestation, when, in fact, the microwave did not eliminate the infestation. Respondent aided in the advertisement of material containing false statements concerning use of the microwave as an effective alternative to use of chemicals, fumigation, or all-encompassing treatment methods, when the microwave is only a local treatment method and not suitable for treating all inaccessible areas. On separate properties respondent failed to report decay fungi, active drywood termites, and subterranean termite damage. Respondent failed to exterminate drywood termite infestations and failed to complete the project for the contract price. The default decision was effective May 19, 1999.



The registrations held by **Chem Free, Inc. dba Certification Services** (PR2161, Branches 1, 2 & 3), **Chem Free, Inc.** (PR1923, Branches 2 & 3) and the license issued to **Daniel Michael Murphy** (OPR8336, Branches 2 & 3) all of Long Beach were each placed on two years' probation and required to reimburse the Board \$3,813.49 for investigative costs. In a stipulated settlement, respondents admitted that they aided and abetted an unlicensed person to evade provisions of the law by having the unlicensed person

serve as a corporate officer even though his operator license was revoked and he was prohibited from serving as an officer, director, associate, etc. for any registered company. The decision was effective July 22, 1999.

In the same matter, a default decision revoked the license held by **Kathleen Milburn** (OPR8792, Branch 1) of Long Beach. The decision was effective July 23, 1999.



The company registration held by **Concepcion Rivas, Inc. dba Mighty Fume** (PR2761, Branch 1) and the operator's license held by **Michelle Stephenson** (OPR9178, Branch 1) both of Bellflower were each suspended for 10 days, stayed, with an actual six days' suspension. Respondent paid a \$1,000 civil penalty in lieu of the six days suspension and was placed on probation for two years. Respondent was required to complete a Branch 1 Board-approved course in rules and regulations, and business practices, and to reimburse the Board \$2,970.74 for investigative costs. The imposition of discipline was based on the number of repetitive cases where respondent failed to pay the Los Angeles County Agricultural Commissioner's Office applicable fees for fumigations performed in that county, as required by law. The decision was effective July 22, 1999.



The registration held by **General Pest Service Company, Inc.** (PR1094, Branch 3) and the license issued to **Romy Arthur Bergamini** (OPR8036, Branch 3), both of Venice, were placed on two years' probation and required to pay a civil penalty in the amount of \$1,000. Respondents were also required to complete a Branch 3 Board-approved course, file a \$1,000 restoration bond with the Board, and reimburse the Board \$4,134.25 for investigative costs. It was determined that on several occasions respondents engaged in the practice of structural pest control



Board Actions *continued from previous page*

without a valid company registration certificate or a valid operator's license in that their licenses had previously been suspended. It was also determined that respondents continued to practice structural pest control without maintaining an insurance policy, failed to file monthly pesticide use reports with the County Agricultural Commissioner's Office, and submitted several inspection and completion reports to the Board using the same stamp numbers. The decision was effective July 22, 1999.

The company registration of **Six Rivers Termite Control** (PR108, Branch 3) and the license of **Fred Thomas Walden** (OPR5295, Branch 3) both of Santa Rosa were suspended for 90 days and placed on probation for three years. Respondents were required to post a restoration bond for \$8,000 and reimburse the Board \$5,000 for investigative costs. Walden was required to complete a Board-approved course in Branch 3. It was determined that respondent failed to obtain a permit before commencing repair work on a property and failed to report wood destroying beetles, decay, and subterranean termite damage. Respondent also conducted business without first registering with Humboldt County Agricultural Commissioner's Office and was found grossly negligent by leaving the chemical Dursban TC, Jasco Termite-8 Wood Preservative Green, and a plastic sprayer with Boron unattended and improperly stored. The suspensions were effective July 22, 1999.

The operator's license held by **Vernon Schekel** (OPR9289, Branch 3) of Bakersfield was suspended for 15 days and placed on probation for three years. Respondent was also required to complete a Branch 3 Board-approved course, pay restitution to three homeowners totaling \$6,000, and file a \$3,000 restoration bond with the Board. Respondent admitted that he did not make the proper recommendations for corrective measures to exterminate drywood termites and did not exterminate the drywood termites. He also fraudulently misrepresented that areas of drywood termite infestation would be treated with the microwave to eliminate the infestation when, in fact, the microwave did not eliminate the infestation. He aided in the advertisement or distribution

of material containing false statements concerning use of the microwave as an effective alternative to chemicals, fumigation, or all-encompassing treatment methods for elimination of drywood termite infestation. The suspension was effective July 22, 1999.

In the same matter, the field representative's license issued to **Tyler R. Anderson** (FR22680, Branch 3) of San Gabriel was placed on probation for two years, required to file a \$500 restoration bond with the Board, and complete a Branch 3 Board-approved correspondence course. Respondent failed to exterminate the drywood termite infestation in a garage that extends into inaccessible areas and failed to include information regarding the garage on the completion notice. The decision was effective July 22, 1999.

In the same matter, the field representative's license issued to **Stephen Whitson** (FR18221, Branch 3) of San Diego was suspended for ten days and placed on probation for two years. Respondent was also required to post a restoration bond in the amount of \$1,000. In a stipulation, respondent admitted to making an improper recommendation for corrective measures to exterminate drywood termites and fraudulently misrepresented that areas of drywood termite infestation would be treated with the microwave as required to eliminate the infestation when, in fact, the microwave did not eliminate the infestation. The suspension was effective July 22, 1999.

In the same matter, the operator's license issued to **Joseph Peter Serrano** (OPR9854, Branch 3) of Sylmar was placed on probation for two years. Respondent was required to complete a Branch 3 Board-approved course and post a \$500 restoration bond. Respondent admitted to not providing the homeowner with a written inspection report of the inspection that respondent had performed. The decision was effective July 22, 1999.

The license issued to **Roy Douglas Harrison** (OPR5785, Branches 2 & 3) of Oroville was revoked in a default decision. Mr. Harrison is prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee of any registered company. Respondent failed to file an inspection report with the Board and failed

to report an inaccessible area. Respondent also failed to report conditions conducive to decay fungi infection, earth-to-wood contacts, evidence of decay fungi damage, faulty grade levels and water stains on walls. Respondent misrepresented the condition of the property by reporting no findings of wood-destroying pests or organisms. The default decision was effective August 22, 1999.

The license held by **Bryant Harris** (FR20719, Branches 1 & 3) of Long Beach was revoked in a default decision. Respondent was found to have failed to comply with applicable laws regarding fumigation by not having an extra set of work clothes available during the application and by not performing the pest control work in a careful and effective manner in that the Vikane tank was weighed by hanging the cylinder from the valve. The default decision was effective September 1, 1999.

The license issued to **Robert J. Slagle** (OPR7606, Branch 1) of Anaheim was revoked in a default decision. As the Qualifying Manager for Diversified Exterminating Services, Inc., respondent was responsible for the acts and omissions of Diversified when it failed to perform pest control work in a careful and effective manner in that it failed to properly secure the tarp and did not exercise reasonable precautions to avoid contamination of the environment. There was negligent handling or use of Vikane, a poisonous exterminating agent, by not following the label instruction for its use. The default decision was effective September 2, 1999.

In the same matter, the license issued to **Steven Spadoni** (OPR7649, Branches 1 & 3) of Anaheim was revoked in a default decision. Respondent, as the Qualifying Manager for Diversified, was held responsible when Diversified failed to have two effective masks readily available to its fumigation crew when they were preparing to release or remove a fumigant from a structure. Respondent was also responsible for a check sent by Diversified to the Los Angeles County Agricultural Commissioner's Office for pesticide usage fees, when that check was later returned by the bank due to insufficient funds.

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Board Actions *continued from previous page)*

In the same matter, the license issued to **Brian Anthony Hildbrand** (FR24015, Branch 1) of Anaheim was revoked in a default decision. Respondent failed to properly secure the residence against reentry after fumigation and was guilty of the negligent handling or use of Vikane, a poisonous exterminating agent, by not following the label instructions for Vikane. The default decision was effective September 2, 1999.

In the same matter, the license issued to **Bryant Harris** (FR20719, Branches 1 & 3) of Long Beach was revoked in a default decision. Respondent did not perform pest control work in a careful and effective manner, in that there was a large tear in the tarp, did not use methods and equipment to insure proper application of a pesticide, did not exercise reasonable precautions to avoid contamination of the environment and was guilty of the negligent handling or use of Vikane. The default decision was effective September 2, 1999.

The company registration of **Rapid Fire Pest Control** (PR1703, Branches 2 & 3), **Rapid Fire Termite & Pest Control** (PR2973, Branches 2 & 3) and the license issued to **James Ray Ridenour, Jr.** (OPR937, Branches 2 & 3) all of Santa Rosa were each revoked in a default decision. It was determined that grounds existed to revoke probation and reimpose the order of revocation in that respondents failed to comply with conditions of their probation. The default decision was effective September 2, 1999.

In a stipulated settlement, the license issued to **Andrew M. Pauka** (FR19979, Branch 2) of Los Gatos was surrendered to the Board. The operator's license (OPR9835, Branch 2) was revoked. The revocation was stayed and respondent paid a \$2,000 civil penalty in lieu of 30 days' suspension. Respondent had to serve an actual 15 days' suspension. The license is also placed on two years' probation, required to complete a Branch 2 Board-approved course, reimburse the Board \$2,178.14 for investigative costs and file a \$3,000 restoration bond. Respondent acted in the capacity of a pest control company when he did not have a valid company registration. Respondent, while a licensee and

applicant, solicited pest control work beyond the scope of his field representative's license. The suspension was effective September 16, 1999.

The registration certificate of **So Cal Exterminator, Inc. dba California West Exterminators** (PR2396, Branch 3) and the license of **Richard Anthony Mack** (OPR9043, Branch 3) both of Norwalk were revoked in a default decision. Respondent failed to report evidence of drywood termite damage, decay, and fungi damage and failed to exterminate all reported wood-destroying pests and organisms. The revocations were effective September 26, 1999.

In the same matter, the license of **Richard B. Weekes** (FR25679, Branch 3) of La Mirada was revoked in a default decision. The revocation was effective September 26, 1999.

The license issued to **Loran Dale Martin, Jr.** (FR20963, Branch 2) of Sun Valley was revoked, and respondent is prohibited from serving as an officer, director, associate, etc. of any licensee of the Board. Respondent was also required to reimburse the Board for costs in the amount of \$2,218.02. It was determined that respondent contracted for and performed pest control work on his own behalf and engaged in the practice of pest control without registering with the Board. The revocation was effective November 17, 1999.

In the matter of the application for the issuance of a Branch 1 field representative's license submitted by **Blake Roman Burns** of Chino Hills, the Board adopted the Administrative Law Judge's proposed decision to deny the license application, in that the applicant has been convicted on six separate occasions of crimes which are substantially related to the qualifications, functions or duties of a licensed pest control field representative. The decision was effective November 17, 1999.

The company registration of **E-Z Construction & Termite Control** (PR2307, Branch 3) and the license issued to **Tracy Dale Ezzell** (OPR7981, Branch 3) both of Manteca were revoked. Revocation was stayed, and

respondent paid a \$2,000 civil penalty. Respondents were placed on three years' probation and required to file a \$1,000 restoration bond with the Board. In a stipulated settlement, respondent admitted that cause for discipline existed. The accusation had alleged that respondents had failed to report fungus damage, faulty grade condition, subterranean termite damage, fungus, earth-to-wood contacts, and subterranean termite and damp wood termite damage. The suspensions were effective November 17, 1999.

In the same matter, the license of **Roger Brent Roach** (FR21302, Branch 3) was revoked, stayed, with two days' actual suspension or a \$200 civil penalty in lieu of the two days. Respondent is required to complete a Branch 3 Board-approved course. The suspension was effective November 17, 1999.

In the matter of the application for the issuance of a Branch 3 company registration and operator's license submitted by **Natthavudh Matthew Vichaidit** of Alhambra, the Board denied the license and company registration application. The applicant falsified a Notice of Transfer of Employment form and attached a false Certificate of Experience to the application in an attempt to meet the experience qualifications. The default decision was effective November 25, 1999.

The company registration held by **Strictly Fumigations** (PR2764, Branch 1) and the operator's license issued to **Bonnie L. Lawson** (OPR7708, Branches 1 & 2) both of Placentia paid a \$2,500 civil penalty and had to serve an actual five-day suspension. Respondents were also required to reimburse the Board \$1,850 for investigative costs. It was determined that respondent failed to properly seal two condominium units to prevent reentry during aeration by using secondary locks that could be bypassed and failed to adequately secure a damaged sliding glass door. Respondent also failed to submit a notice of intent to fumigate with the Los Angeles County Agricultural Commissioner's office. The suspensions were effective November 28, 1999.

2000 EXAMINATION CALENDAR

<i>Examination Dates</i>	<i>Final Filing Date</i>
April 24, 25, 26, 27	April 7
May 22, 23, 24, 25	May 9
June 26, 27, 28, 29	June 9
July 24, 25, 26, 27	July 12
August 21, 22, 23, 24	August 8
September 25, 26, 27, 28	September 8
October 23, 24, 25, 26	October 10
November 27, 28, 29, 30	November 10
December 26, 27, 28, 29	December 12

Note: These dates may change subject to the availability of adequate facilities. Examinations are conducted in Sacramento and San Bernardino. For more information call 916-263-2544.

Is the Individual You Hire Properly Licensed?

When licensees leave employment with a registered company, as a rule they will take their wall licenses with them. If they seek employment with another company, they will normally present these licenses as verification of licensure. The problem with this practice is that wall licenses do not carry expiration dates, and a new employer may unknowingly hire an individual who is no longer licensed with the Board. Registered companies should check with the Board, prior to hiring, to verify licensure. 

Are You a Pest Control Expert? WE NEED YOU!


The Structural Pest Control Board, in a continuing effort to maintain a high quality of examination material, is looking for Subject Matter Experts (SMEs) to participate in workshops. These SMEs will define, write, and review potential examination item material. Your participation will enhance the external validity of the overall examination process. We are currently requesting applications from all interested licensees, excluding instructors.

The workshops are either one or two days in length, and the hours are from 8 a.m. to 5 p.m. each day. Workshops are scheduled in the downtown Sacramento area.

Airfare will be paid for participants who must fly to and from Sacramento. SMEs will be reimbursed at the government rate

for lodging, meals, parking, mileage, and incidentals, based on a claim form you submit after the workshop. Blank travel expense forms can be faxed prior to the workshop or obtained at the workshop site. In addition to your travel expenses, you will receive an honorarium of \$100 for each day you participate as an SME. The reimbursement process takes approximately six to eight weeks.

If you would like to participate, please complete the form below and return it to the Board as soon as possible.

Please Note: Completion of the information form does NOT commit you to this project, nor does it guarantee that you will be selected. If you have any questions regarding this process, please call Delores Coleman at 916-263-2540. 

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Licensee's Name: _____

Business or Employer: _____

Address: _____

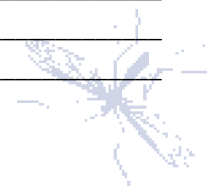
City: _____ State: _____ ZIP: _____

Type of Current License: _____

Branch of Pest Control: _____

Home Phone: _____ Work Phone: _____

Please return this information as soon as possible to:
 Structural Pest Control Board
 1418 Howe Avenue, Suite 18
 Sacramento, CA 95825-3204



STRUCTURAL PEST CONTROL BOARD

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STRUCTURAL PEST CONTROL BOARD NEWS

MARCH 2000



LICENSE REQUIREMENTS FOR BRANCH 1 FIELD REPRESENTATIVE

Section 8564 of the Business and Professions Code specifies that an applicant for a Branch 1 Field Representative's license must submit proof that he or she has had six months' training and experience in the practice of fumigating with poisonous or lethal gases under the immediate supervision of an individual licensed to practice fumigating.

Recent amendments to section 1937 of Title 16 of the California Code of Regulations state, in part, that an applicant for a Branch 1 Field Representative's License must have a minimum of 100 hours of training and experience in preparation, fumigation, ventilation, and certification. These 100 hours, as specified, are to be gained within the six months of training. 

NOTICE

The Post Office is no longer accepting mail sent to 1422 Howe Avenue. Please remember to use the new address:

**1418 Howe Avenue, Suite 18
Sacramento, CA 95825**

STRUCTURAL PEST CONTROL BOARD'S TOLL-FREE LINE: 800-PEST-188

Our toll-free 800 number was first established in 1994. Designed with the consumer in mind, this line gives consumers the convenience of a toll-free number to seek information, have questions answered, or register complaints regarding a pest control company or licensee. However, we can no longer transfer calls to our Licensing or Administration units. For calls regarding a licensing issue, call our Licensing Unit at 916-263-2544. Our Administration phone number is 916-263-2540.